tations has run on the debt makes no difference. *Courtenay* v. *Williams*, 3 Hare, 539; *Coates* v. *Coates*, 33 Beav. 249. But a debt unenforceable for any reason other than the statute of limitations will not be set off. *Re Wheeler*, [1904] 2 Ch. 66. The majority of American decisions are in accord with the English view. *Tinkham* v. *Smith*, 56 Vt. 187; *Jordan* v. *Jordan*, 201 Ill. App. 44. This view is based on the theory that there is in substance not a set-off, but a retention of part of a fund in the course of distribution; and that this retention is conscionable because the moral duty to pay the debt persists. See *Webb* v. *Fuller*, 85 Me. 443, 445, 27 Atl. 346; *Holmes* v. *McPheeters*, 149 Ind. 587, 590, 49 N. E. 452, 453. But it may be urged that a legatee's statutory claim is in its nature legal, although in form equitable. At law the statute is a bar, and equity should, as generally in enforcing a legal right, follow the analogy of the statute. *Dean* v. *Dean*, 9 N. J. Eq. 425. The principal case illustrates the trend of the American authorities away from the English view. *Allen* v. *Edwards*, 136 Mass. 138; *Kimball* v. *Scribner*, 174 App. Div. 845, 161 N. Y. Supp. 511.

FEDERAL COURTS — AUTHORITY OF STATE LAW — EFFECT OF DECISION ON VESTED INTERESTS. — In 1838 the United States made a grant to certain Indians, including part of the Arkansas River. In 1907 Oklahoma, including this region, was admitted to the Union. In 1913 the state granted oil and gas rights in the river bed to the defendants. In 1914 the state supreme court, in an action between other parties, found that the river was navigable and that title to adjacent parts of the bottom was in the state. (*State* v. *Nolegs*, 40 Okl. 479, 139 Pac. 943.) The United States sues on behalf of the Indians to enjoin the defendants from extracting oil and gas. The trial court gave judgment for the complainant on the ground that the river was not navigable in fact, and that title to its bed had never passed to the state. *Held*, that the decree be affirmed. *Brewer-Elliott Oil & Gas Co.* v. *United States*, 270 Fed. 100 (8th Circ.).

Federal courts, in determining state law, usually follow the decisions of the state courts. It is particularly important that they should do so where title to realty is affected. *Port of Seattle* v. *Oregon & Washington R. R. Co.*, 255 U. S. 56. But it is now settled law that they will not, in construing a state statute, follow state decisions subsequent to the vesting of rights under the statute. *Great Southern Hotel Co.* v. *Jones*, 193 U. S. 532; *Butte & S. Copper Co.* v. *Clark-Montana Realty Co.*, 248 Fed. 609 (9th Circ.), aff'd, 249 U. S. 12. See 18 HARV. L. REV. 134. While there are obvious advantages in allowing the federal judiciary to exercise an impartial and independent opinion, no reason favoring this exception outweighs the consideration that title should not depend on the litigants' choice of courts. To make a new exception, as the principal case does, is doubly unfortunate. The court has authority for its decision. *Kuhn* v. *Fairmont Coal Co.*, 215 U. S. 349. But in that case there were other grounds, absent here. It may be that the principal case is supportable without reliance on the rule laid down. The federal court might be justified in considering the state decision on navigability an inconclusive finding of fact. *Cf. Economy Light & Power Co.* v. *United States*, U. S. Sup. Ct., Oct. Term, 1920, No. 104. And it is arguable, as the court suggests, that the Indians got title by the grant, whether the river was navigable or not.

GARNISHMENT — GARNISHMENT BY PLAINTIFF OF DEBTS DUE FROM HIMSELF. — The plaintiff, being unable to get personal service on the defendant, garnished debts which he himself owed to the defendant. The garnishment was executed as provided for by statute. (1910 OHIO GEN. CODE, §§ 11822,